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Burst.com, Inc.

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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 REALNETWORKS, INC.,

15 Plaintiff,

16 v.

17 BURST.COM, INC.,

18 Defendant.
19

Case No. C-08-0023 MHP

**STIPULATED REQUEST TO
RESCHEDULE CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

20
21 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff RealNetworks, Inc. ("Plaintiff")
22 and Defendant Burst.com, Inc. ("Defendant"), hereby stipulate through their respective counsel
23 of record as follows:

24 WHEREAS, on or about January 7, 2008, Plaintiff served its Complaint for Declaratory
25 Judgment and Demand for Jury Trial ("Complaint") upon Defendant;

26 WHEREAS on January 24, 2008, this case was reassigned to the Honorable Marilyn
27 Hall Patel and a Case Management Conference is scheduled to be held on Monday, April 14,
28 2008;

1 WHEREAS the parties are pursuing settlement discussions, and believe that an
2 extension of time for the Case Management Conference in this matter may aid the parties in
3 their efforts to resolve this litigation and thus avoid the need to take the Court's time for a CMC
4 or other proceedings;

5 WHEREAS no previous extension of time has been granted for the Case Management
6 Conference; and three previous extensions of time to answer or otherwise respond to the
7 Complaint have been granted pursuant to stipulation which in aggregate extended the due date
8 from January 28, 2008 to March 25, 2008 and have facilitated settlement discussions;

9 WHEREAS, no trial date has yet been set in this action; and

10 WHEREAS the parties have conferred and mutually agreed that they are available for a
11 Case Management Conference on Monday, June 2, 2008;

12 NOW THEREFORE the parties through their undersigned counsel hereby stipulate and
13 request the Court to continue the Case Management Conference to occur Monday, June 2, 2008,
14 or on a date as soon thereafter as is available with the Court, and that the other dates scheduled
15 in the Court's Order Setting Initial Case Management Conference and ADR Deadlines are
16 continued accordingly.

17 **IT IS SO STIPULATED**

18 DATED: March 18, 2008

HOSIE McARTHUR LLP

19 By: /s/
20 George F. Bishop
21 Attorneys for Defendant Burst.com, Inc.

22 DATED: March 18, 2008

HOWREY LLP

23 By: /s/
24 Robert F. Kramer
25 Attorneys for Plaintiff RealNetworks, Inc.

1 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic
2 filing of this document has been obtained from the other signatories.

3 DATED: March 18, 2008

4 _____
/s/

5 George F. Bishop
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ORDER

Pursuant to the stipulation of the parties, it is hereby ORDERED that the Case Management Conference is reset to June 2, 2008, and that the other dates scheduled in the Court's order Setting Initial Case Management Conference and ADR Deadlines are continued accordingly. **A JOINT CASE MANAGEMENT STATEMENT TO BE FILED ONE WEEK PRIOR TO THE CONFERENCE.**

SO ORDERED

March 19, 2008

